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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,807	05/24/2001	Wesley M. Mays	INT 200-08	2597
7590 09/07/2005 CHRISTOPHER A. WIKLOF 3531 99TH STREET, S.E. EVERETT, WA 98208			EXAMINER BANGACHON, WILLIAM L	
			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/864,807

Applicant(s)

MAYS ET AL

Examiner

William Bangachon

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 27-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the Notice of Abandonment sent on January 26, 2005 is persuasive and has been withdrawn.

### ***Election/Restrictions***

2. Applicant elects claims 27-33 (Group V) for prosecution. Claims 1-26 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### **Information Disclosure Statement**

3. It is noted that there is no PTO 1449 submitted with this application.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 27-47 and 55-58 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over USP 6,327,972 (Heredia et al).

In claims 34, 42 and 44-45, Heredia et al teach of an integrated printer and a device for programming transponder chips (intelligent label programmer) comprising:

a print engine (Fig. 1) operable to print on sets of transponder chips (intelligent labels) from various manufacturers, the transponder chips being characterized by several differing RF protocols {col. 3, lines 17-23}.

Clearly, the control unit 19 is a multi-protocol RF tag programmer functionally associated with the print engine {paragraph bridging cols. 4 and 5}. The control unit 19 (multi-protocol RF tag programmer) being operable to read/write data or program the sets of transponder chips (intelligent labels) from various manufacturers who use several different protocols {col. 3, lines 17-21}.

Alternatively, although Heredia et al do not disclose expressly "RF" protocols, it would have been obvious to one of ordinary skill in the art to recognize that different protocols from various manufacturers includes data transmission at differing frequencies and/or data format.

In claims 35 and 36, the print engine and multi-protocol RF tag programmer are operatively coupled to a common computer interface and are operable to respond to programming commands received through the common computer interface {paragraph bridging cols. 4 and 5}.

In claims 37 and 39, clearly, the print engine and multi-protocol RF tag programmer are supported within a common housing because the print engine and RF tag programmer of Heredia are integrated as one unit {col. 1, lines 31+}.

In claim 38, the housing includes further provision for supporting at least one supply of intelligent labels {paragraph bridging cols 3 and 4}.

In claims 40-41, the print engine is a thermal print engine {col. 3, lines 59-63}.

In claim 43, the multi-protocol RF tag programmer further comprises:

a first RF tag programmer operable to communicate with an intelligent label set as the intelligent labels in the set pass through a first communication field; and

an RFID module coupled to the first RF tag programmer through an interface, the RFID module operable to communicate with an intelligent label set as the intelligent labels in the set pass through a second communication field {col. 5, lines 40+}.

In claims 46-47, the RFID module is configured to be installable as an option / accessory {col. 1, lines 30+}.

Claims 27-33 and 55-58 recites a method for practicing the combined printer and tag programmer of Heredia, recited in claims 34-47, and therefore rejected for the same reasons.

8. Claims 48-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,327,972 (Heredia et al) in view of USP 5,842,118 (Wood Jr.).

With regards to claims 48-54, the claims recite the tag programmer of claims 34-47 and therefore rejected for the same reasons. However, Heredia et al does not disclose expressly a first and second antenna. In this case, Wood Jr. is relied upon to teach of an interrogator (tag programmer) having a plurality of antennas (i.e. first, second, third antenna shown by Wood Jr. in Figure 1; col. 11, lines 24-30) employing differing RF communication protocols (Wood Jr., col. 8, lines 50+; col. 10, lines 22+). Wood Jr. suggests that said features are beneficial for ensuring successful communication with any transponder communicating at different frequencies and data protocol (see Wood Jr., Summary of the Invention). Heredia et al is concerned with reading and writing transponder chips in a quick and easy manner {Heredia, col. 1, lines 22-25}. Obviously, establishing successful communication with any transponder that employs differing RF communication protocols is an essential step in reading and writing transponder chips in a quick and easy manner, at the same time ensuring that all transponder chips are read and written correctly. Therefore, it would have been obvious to one of ordinary skill in the art to have multiple antennas (as claimed) in the system of Heredia (as taught by Wood) to ensure successful communication with any transponder that employs differing RF communication protocol and thereby speed-up the reading and writing of transponder chips and ensuring that all transponder chips are read and written correctly.

### **Office Contact Information**

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached on 4/4/10.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Horabik can be reached on **(571)-272-3068**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



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Examiner  
Art Unit 2635

August 25, 2005

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